

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

VIAMEDIA, INC.,  
Plaintiff,

V.

COMCAST CORPORATION and  
COMCAST CABLE COMMUNICATIONS  
MANAGEMENT, LLC,  
Defendants.

No. 16 C 5486

Hon. Charles R. Norgle, Sr.

**MOTION TO FILE UNDER SEAL  
DEFENDANTS' MOTION TO COMPEL RESPONSES TO  
INTERROGATORIES AND REQUESTS FOR PRODUCTION TO VIAMEDIA**

Pursuant to Federal Rule of Civil Procedure 26(c) and Local Rule 26.2, Defendants Comcast Corporation and Comcast Cable Communications Management, LLC (successor to Comcast Spotlight, LP and together with Comcast Corporation, “Comcast”) respectfully move the Court to enter an order granting them leave to file their Motion to Compel Responses to Comcast’s Interrogatories and Requests for Production to Viamedia (the “Motion to Compel”) and supporting exhibits under seal.

In support thereof, Comcast states as follows:

1. Today, November 5, 2020, Comcast filed the Motion to Compel. The Motion to Compel, and certain exhibits thereto, contain discovery responses that Viamedia designated as confidential on the face of its responses. Accordingly, and pursuant to Local Rule 26.2(c), Comcast has (1) provisionally filed the Motion to Compel and the supporting exhibits under seal; and (2) will also file a redacted version of the Motion to Compel that excludes the exhibits that

Viamedia has designated confidential, and that Comcast therefore seeks, by this motion, to maintain under seal.

2. The Seventh Circuit has recognized that a Court may shield certain filings from public inspection if “there is good cause for sealing a part or the whole of the record.” *Citizens First Nat’l Bank of Princeton v. Cincinnati Ins. Co.*, 178 F.3d 943, 945 (7th Cir. 1999); *see also* Local Rule 26.2(b) (applying “good cause” standard). Under that test, the Court may seal filings if there are “legitimate concerns of confidentiality,” *Grove Fresh Dist., Inc. v. Everfresh Juice Co.*, 24 F.3d 893, 898 (7th Cir. 1994), such as where the information in question “meet[s] the definition of trade secrets or other categories of bona fide long-term confidentiality,” *Baxter Intern., Inc. v. Abbott Labs.*, 297 F.3d 544, 545 (7th Cir. 2002).

3. Here, references within the Motion to Compel, and the exhibits thereto, that Comcast seeks to file under seal have been designated confidential by Viamedia. As Judge St. Eve recognized in granting past motions to seal in this case—*see, e.g.*, Dkt. No. 154 (granting Viamedia’s Motion to Seal), Dkt. No. 147 (granting Comcast’s Motion to Seal)—the inclusion of such information in the Motion to Compel gives good cause to file the Motion to Compel and supporting exhibits under seal.

WHEREFORE, Comcast respectfully requests the Court enter an order granting it leave to file the Motion to Compel and supporting exhibits under seal.

Dated: November 5, 2020

Respectfully submitted,

COMCAST CORPORATION AND  
COMCAST CABLE COMMUNICATIONS  
MANAGEMENT, LLC

/s/ Ross B. Bricker

Ross B. Bricker  
Michael T. Brody  
JENNER & BLOCK LLP  
353 N. Clark Street  
Chicago, IL 60654-3456  
Tel: (312) 222-9350  
Fax: (312) 527-0484  
rbricker@jenner.com  
mbrody@jenner.com

Arthur J. Burke (pro hac vice)  
David B. Toscano (pro hac vice)  
Christopher P. Lynch (pro hac vice)  
DAVIS POLK & WARDWELL LLP  
450 Lexington Avenue  
New York, New York 10017  
Tel: (212) 450-4000  
Fax: (212) 701-5800  
Arthur.Burke@davispolk.com  
David.Toscano@davispolk.com  
Christopher.Lynch@davispolk.com

*Attorneys for Defendants Comcast  
Corporation and Comcast Cable  
Communications Management, LLC*

**CERTIFICATE OF SERVICE**

I, Ross B. Bricker, an attorney, certify that on November 5, 2020, I caused the foregoing Motion to File Under Seal Defendants' Motion to Compel Responses to Interrogatories and Requests for Production to Viamedia to be served on all counsel of record listed via the Court's ECF system.

/s/ Ross B. Bricker